

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
WINCHESTER DIVISION

DEBRA BROWN, JEROME BELL,)
CHARLES BROOKS, MICHAEL McGUINN,)
AND JASON SWEARINGTON,)

Plaintiffs.)

vs.)

No. 4:05-CV-67

COFFEE COUNTY, TENNESSEE; STEVE)
GRAVES, Individually and in his)
official capacity; PAMELA FREEMAN,)
Individually; OFFICER TREY,)
Individually; BRITNEY HODGES,)
Individually; TERESA HULAN,)
Individually; SGT. GENTRY,)
Individually; KEITH SELLER,)
Individually, LT. CHARLES BEATTY,)
Individually; KAYRON BOWEN,)
Individually; JONATHAN YOTT,)
Individually; WADE FERRELL,)
Individually; and JOHN DOE 1-5,)

Defendants.)

Deposition of:

JOHN WESLEY BERRY

Taken on Behalf of the Plaintiffs

July 26, 2007

Bain, Cleeton & Evans
An Association of Court Reporters
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Nashville, Tennessee 37201
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Reported By: LaVonne Cleeton, RMR

1 Q. And date of birth?

2 A. 11-15-36.

3 Q. And Social Security, we can do that off
4 the record.

5 (Whereupon, a discussion was held off
6 the record.)

7 Q. (BY MR. BAUM) Do you have any health
8 problems that would interfere with you answering
9 questions here today?

10 A. Answering questions, I don't think so.
11 I got a bad heart. At least I'm under treatment for
12 it.

13 Q. Have you ever been convicted of any
14 felonies or misdemeanors involving dishonesty?

15 A. No.

16 Q. When were you elected to the Board of
17 Commissioners for Coffee County?

18 A. In '86.

19 Q. And have you served continuously since
20 then?

21 A. Yes, I have.

22 Q. So 21 years?

23 A. Yeah. That's it.

24 Q. How often do you have to run for
25 reelection?

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1 Q. Since you've been on the Commission,
2 has the Coffee County Jail been overcrowded?

3 A. It has been.

4 Q. Since 1986?

5 A. Are you talking about continually?

6 Q. Yes.

7 A. No. There's been times when it was
8 down to its number.

9 Q. Would you say the majority of the time
10 it's been overcrowded?

11 A. I would think so.

12 Q. And what steps has the Coffee County
13 Board of Commissioners taken to alleviate this
14 overcrowding?

15 A. Well, part of it was this annex that
16 we're in now. It's a work release program where
17 everybody doesn't have to be in the main part. You
18 know, they go out and work and come over here and
19 not be locked down as the other inmates are.

20 Q. Okay. When was the annex built?

21 A. I'm not sure what year. I think it's
22 been here four or five years, at least.

23 Q. Anything else the Board of
24 Commissioners have done to alleviate overcrowding at
25 the Coffee County Jail?

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1 A. Well, working in conjunction with CTAS,
2 they're doing a survey on how -- or what we would
3 need to alleviate the problem. What we had planned
4 on, CTAS says it will be full by the time we got it
5 built.

6 Q. And when did this survey begin with
7 CTAS?

8 A. January, I believe it was.

9 Q. Of this year?

10 A. Yeah.

11 Q. And before that was there ever any
12 needs analysis conducted?

13 A. Yes.

14 Q. And when was the needs analysis
15 conducted?

16 A. That was in-house. I think it's kind
17 of been kind of an ongoing thing. You know, we know
18 we're crowded and we're trying to take care of that
19 problem.

20 Q. Has the Coffee County Board of
21 Commissioners allocated any money for a new addition
22 or a new jail?

23 A. Not yet.

24 Q. Has any land been set aside for an
25 addition or a new jail?

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1 A. No.

2 Q. Has any architectural plans been
3 prepared for building a new addition or a new jail?

4 A. We have some old ones, but they are --
5 CTAS is of the opinion that they will not be
6 adequate to take care of the overcrowding.

7 Q. Are you familiar with the Tennessee
8 Correction Institute?

9 A. I know of it.

10 Q. And is it your understanding that they
11 establish the minimum standards for all jails in the
12 state of Tennessee?

13 A. Yes.

14 Q. And is it your understanding that
15 Coffee County complies with those minimum standards?

16 A. Yes.

17 Q. And does one of those minimum standards
18 deal with the overcrowding of jails?

19 A. Yes.

20 Q. And is the Coffee County Jail
21 overcrowded at this moment?

22 A. I don't know what the number is today.

23 Q. The last report you received concerning
24 the number of inmates or detainees at the Coffee
25 County Jail, was that an overcrowded situation?

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1 A. It was overcrowded. Part of those were
2 State inmates.

3 Q. And what difference does it make if
4 part of the inmates that contribute to the
5 overcrowding are State inmates?

6 A. Most of them have not been sentenced
7 and no money for them, so it's on Coffee County.

8 Q. Does the Board of Commissioners for
9 Coffee County approve all capital expenditures?

10 A. Yes.

11 Q. And can you recall in the past five
12 years any capital expenditures that have been built?

13 A. Past five years. This building would
14 probably be part of it. I remember when things were
15 out, but I don't always remember the dates.

16 Q. Have you ever had any conversations
17 with John Hanna of TCI concerning the Coffee County
18 Jail?

19 A. Yes.

20 Q. And what has Mr. Hanna told you?

21 A. When one of his inspections -- in fact,
22 we were trying to keep from getting decertified and
23 he was down and he talked with us and told us we
24 needed to add on -- build a new jail.

25 Q. And when was that conversation?

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1 A. What, '05, '04, somewhere along in
2 there, I guess.

3 Q. Well, the Coffee County Jail was
4 decertified in 2004, correct?

5 A. Well, that would be -- that would be
6 about when we were talking to him then.

7 Q. And at that time was Mr. Hanna informed
8 that steps were being taken to either build an
9 addition or a new jail?

10 A. Yes.

11 Q. When the Coffee County Jail was
12 decertified, did the State continue to pay money for
13 State inmates?

14 A. I think so.

15 Q. And isn't that a bit unusual?

16 A. I don't know.

17 Q. Do you know a Peggy Sawyer?

18 A. No.

19 Q. Other than Mr. Hanna, have you ever
20 talked to anyone from TCI?

21 A. No.

22 Q. And other than this one conversation
23 you mentioned, any other conversations with John
24 Hanna?

25 A. No.

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1 Q. Did Mr. Hanna tell you what kinds of
2 problems overcrowding can cause at a jail?

3 A. Yes.

4 Q. And do you recall what he told you?

5 A. Well, it was a number of things.
6 Fights I guess were the top of the thing.

7 Q. And has the Coffee County Board of
8 Commissioners taken any steps to alleviate
9 overcrowding at the Coffee County Jail so there
10 won't be fights between inmates?

11 A. We're in the process.

12 Q. And where are you at in that process?

13 A. Waiting on CTAS to send their report
14 back.

15 Q. Has any architectural firm been hired
16 to develop any plans?

17 A. Not yet.

18 Q. Has the Board of Commissioners for
19 Coffee County, Tennessee developed a plan to finance
20 any new addition or new jail?

21 A. Not yet. That takes place after we
22 find out what it's going to cost us.

23 Q. The Board of Commissioners for Coffee
24 County adopted a resolution that allows for charging
25 of inmates and detainees for medical care, correct?

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1 Q. As part of the Jail Inspection
2 Committee, what type of problems do you see at the
3 Coffee County Jail?

4 A. Well, there was doors that were not
5 operating properly, which has been fixed. Showers
6 that didn't work that we're replacing.

7 Q. When you say that you're replacing,
8 that work hasn't been completed?

9 A. Not all of them. We're going to
10 replace them all.

11 Q. Anything else?

12 A. New air conditioning system. New
13 cameras and control system.

14 Q. Is the Coffee County Jail -- let me
15 start over. In 2004 was the Coffee County Jail
16 understaffed?

17 A. I don't know about the staffing.

18 Q. That would be the sheriff's bailiwick?

19 A. I wouldn't be surprised though.

20 Q. That would be the sheriff's bailiwick?

21 A. Yeah. That's something in his
22 jurisdiction, yeah.

23 Q. If the Coffee County Jail falls below
24 the minimum standards for jails in the state of
25 Tennessee, is there any reason an exception should

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1 be made?

2 A. Not that I know of.

3 Q. Mr. Berry, does that appear to be a
4 letter from Ray Johnson, the county mayor of Coffee
5 County, to John Hanna at Tennessee Corrections
6 Institute?

7 A. Yes, it does.

8 Q. And that's dated November 22nd, 2004?

9 A. Yes.

10 MR. BAUM: Can you give him a second to
11 read the letter?

12 THE WITNESS: Pardon?

13 MR. BEEMER: Do you want to read the
14 letter?

15 THE WITNESS: Yeah. (Witness reviews
16 document.)

17 Q. (BY MR. BAUM) Okay. Now, back in
18 November of 2004 you had a meeting -- or it appears
19 the mayor had a meeting with Terry Hazard with CTAS?

20 A. The letter says so.

21 Q. And that was to help determine the type
22 facility needed to -- you'd need to build to
23 increase the jail capacity?

24 A. Yes.

25 Q. And it appears that Mr. Hazard said you

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1 A. No, I don't.

2 Q. Does the Board of Commissioners for
3 Coffee County have a policy concerning medical
4 treatment for inmates and detainees at the Coffee
5 County Jail?

6 A. The Commission?

7 Q. Yes.

8 A. No.

9 Q. Would that be left up to the sheriff?

10 A. Yes, it is.

11 Q. And he would be the final policymaker
12 on that?

13 A. Yes.

14 Q. And does Dr. Florence report to the
15 sheriff or does he report to the Board of
16 Commissioners?

17 A. He reports to the Law Enforcement
18 Committee. Of course, the sheriff is always a part
19 of that committee.

20 Q. But Dr. Florence was hired directly by
21 the Board of Commissioners?

22 A. Yes.

23 Q. Have you ever heard any complaints
24 about the medical treatment at the Coffee County
25 Jail?

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1 A. No.

2 Q. Have you ever had a chance to review
3 any grievances submitted by inmates or detainees?

4 A. No.

5 MR. BAUM: I don't think I have
6 anything further at this time.

7 MR. BEEMER: Okay.

8 (Whereupon, the deposition was
9 concluded at 10:59 a.m.)

10 FURTHER THIS DEPONENT SAITH NOT.

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